

Exhibit 5



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

October 10, 2018

Re: 2018-06-192A

Ms. Micah Ratner
Counselor
National Public Radio, Inc.
1111 North Capitol St., N.E.
Washington, D.C. 20002

Email: tmak@npr.org

Dear Mr. Mak:

This responds to the Freedom of Information Act ("FOIA") appeal you submitted on behalf Tim Mak, with NPR, dated October 3, 2018, challenging the alleged failure of the Department of the Treasury ("Treasury"), to respond to Mr. Mak's FOIA request within 20 working days. You note in the appeal that Treasury has not responded to the FOIA request which constitutes a constructive denial.

Treasury's FOIA regulation, 31 C.F.R. § 1.5, sets forth the bases for a FOIA requester to file an administrative appeal of a Treasury initial FOIA determination. The absence of a response within the time limits specified in the FOIA is not a basis for filing an administrative appeal.

As Treasury has not yet issued a determination in response to Mr. Mak's request as of the date of your appeal, it appears that the appeal is premature. Accordingly, the appeal will be closed as unripe. You will be advised of your appeal rights upon the issuance of a final agency determination from Treasury.

Judicial review of my decision is available in the district court of the United States in the district in which *NPR* resides or has a principal place of business, in which the agency records are situated, or in the District of Columbia, in accordance with 5 U.S.C. § 552(a)(4)(B).

If you would like to schedule a conference call to discuss your FOIA request further, please contact Cawana Pearson via telephone at 202-622-0930, extension 2; or via email at FOIA@treasury.gov. Please reference the FOIA number at the top of this letter when contacting our office about this request.

Sincerely,

Cawana Pearson

Cawana Pearson
FOIA Case Manager, FOIA and Transparency
Privacy, Transparency, and Records (PTR)